IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 2870 of 2005

Between:

S.Mahesh, s/o Balraj, Hindu, R/o H.No. 38-13/2, Sainikpuri, Neredmut, Ranga Reddy District - 500 094.

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep. by Collector, Ranga Reddy District, Hyderabad.
2 The Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy District, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction one or more in the nature of Writ of mandamus by directing the 1st Respondent to take action by directing the second Respondent to remove illegal constructions and to take possession of Plot No.6 in Survey No. 278 situated at Vinobha Nagar, Neredmut, Malkajgiri Mandal, Ranga Reddy District and pass such other and further orders as this Hon'ble Court deems fit and proper.

Counsel for the Petitioner : MR.D.MADHAVA RAO

Counsel for the Respondents : GP FOR REVENUE

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

None for the petitioner.

This petition is filed as “Public Interest Litigation” questioning the action of the respondents in not taking steps to remove the alleged illegal construction and to take possession of Plot No.6 in Survey No.278 situated at Vinobha Nagar, Neredmut, Malkajgiri Mandal, R.R. District.

Affidavit in reply has been filed by the Mandal Revenue Officer, Malkajgiri. In the reply affidavit, it is stated that total extent of Survey No.278 is about Ac.236.24 guntas and it is classified as ‘dry kancha poramboke sarkari” in the revenue records. It is stated that when some third parties have encroached upon the lands claiming right through Bhoodan Bagna Board, the Revenue Divisional Officer, Chevella Division and the Mandal Revenue Officer, Malkajgiri, filed 72 Land Grabbing Cases before the Special Court under the A.P. Land Grabbing Act for eviction. All the cases were allowed by the Land Grabbing Court. Aggrieved by the order of the Land Grabbing Court, some of the parties had filed writ petitions before this Court, which were also dismissed by this Court by common order dated 27.11.1995. Further, the Government has issued various G.Os., from time to time for regularization of the illegally occupied lands and the latest being G.O. Ms. No. 515, Revenue (Assignment I) Department, dated 19.4.2003. That about 2800 applications for regularization of structures were received from the persons who have illegally occupied the Government lands. However, in so far as Plot No.6 of Vinobhanagar, Malkajgiri is concerned, it is stated that the said land is a Government land forming part of Acs. 236.24 guntas and the same is occupied by Mirza Mohd. Ali Baig. When Mirza Mohd Ali Baig started making construction, the revenue authorities prevented him from making construction. Therefore, he filed O.S. No. 1021/04 for permanent injunction before the Principal Junior Civil Judge, East and North, Ranga Reddy District and the same is stated to be pending. Both the Joint Collector, Ranga Reddy and the Mandal Revenue Officer, Malkajgiri took steps to prevent the occupier from carrying on construction.

From the affidavit in reply filed by the 2nd respondent, it is quite clear that

there is no inaction on the part of the respondents in preventing the occupier from carrying on constructions. Further, the occupier is not a party to the writ petition. Therefore, no further directions deserve to be issued in this petition, which is filed as Public Interest Litigation, by a third party. Needless to add that respondents will act in accordance with law.

The writ petition is accordingly dismissed.

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DEVINDER GUPTA,CJ

DATE: 30th March, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1 The State of Andhra Pradesh, rep. by Collector, Ranga Reddy District, Hyderabad.
2 The Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy District, Hyderabad

3 Two C.Cs. to the GP for Revenue, High Court of A.P., Hyderabad (OUT)

4 Two CD copies.